

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP: 2621

Yasuo NOMURA, et al.

SERIAL NO: 09/556,949

EXAMINER: ONUAKU, CHRISTOPHER O.

FILED: April 21, 2000

FOR: APPARATUS, METHOD AND MEDIUM FOR INFORMATION PROCESSING

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully Submitted,

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YASUO NOMURA, ET AL. : EXAMINER: ONUAKU, CHRISTOPHER O.
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REMARKS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Claims 1-25 are pending in this application, Claims 8-24 having previously been withdrawn from consideration.

In the Final Office Action of April 8, 2008 (herein, the Final Office Action), Claims 1-7 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Aoki et al. (U.S. Pat. No. 5,111,299, herein Aoki) in view of Small et al. (U.S. Pat. 5,898,434, herein Small).

Applicants respectfully traverse the rejection of Claims 1-7 and 25 under 35 U.S.C. § 103, as independent Claims 1, 6, 7 and 25 recite novel features not taught or rendered obvious by the applied references. Further, Applicants submit that it would not have been obvious to one of ordinary skill in the art at the time of the invention to combine Aoki and Small to arrive at Applicants' claims.

Independent Claim 1, for example, recites an information processing apparatus, comprising, in part:

display controlling unit configured to provide display control in such a manner as to display a first user interface when said recording unit records said first picture supplied and to display a second user interface when said reproducing unit reproduces said second picture recorded;

wherein said first user interface displays a recording button through which to input orders for operating said recording unit and a playback button through which to input orders for operating said reproducing unit and said second user interface displays a recording button through which to input orders for operating said recording unit and a playback button through which to input orders for operating said reproducing unit, and

wherein said first user interface displays said recording button in a first status *in which a button accepts a user input* and said playback button in a second status *in which a button does not accept a user input* and said second user interface displays said recording button in the second status and said playback button in the first status.

Independent Claims 6, 7 and 25, while directed to alternative embodiments, recite similar features.

In addressing the previously presented arguments regarding the above emphasized features recited in independent Claim 1, the Advisory Action of August 6, 2008 (herein, the Advisory Action) relies on Fig. 3 of Aoki. More particularly, the Advisory Action asserts that “in the different modes of display of Fig. 3, the ‘REC’ icon is illuminated (claimed first status) when the recording function is initiated, at which time the ‘PLAY’ (playback) icon is not illuminated (claimed second status); however, when a playback function is initiated, the ‘PLAY’ icon is illuminated (claimed first status) but the ‘REC’ (recording) icon is not illuminated (claimed second status).” Further, col. 10, l. 50 – col. 11, l. 30, along with the corresponding figures of Aoki, describes that the LCD display on a camera illuminates the icons on the LCD based on a current mode of operation of the camera. Thus, when the camera is in a recording mode, the “REC” icon is illuminated, when the camera is in a playback mode, the “PLAY” icon is illuminated, etc. Therefore, Aoki merely describes a display that shows the operational status of the camera after a user has already actuated one of the switches 19, 20 on the camera to initiate a playback or record operation.

Claim 1, on the other hand, is directed to displaying recording and playback buttons in a situation in which they are configured to accept a user input or not accept a user input. As noted Claim 1 recites that “said first user interface displays said recording button in a first status ***in which a button accepts a user input*** and said playback button in a second status ***in which a button does not accept a user input*** and said second user interface displays said recording button in the second status and said playback button in the first status.” As disclosed in an exemplary embodiment at Fig. 10, and pp. 33-34 of the specification, when a recording interface is displayed, the recording button 142 is replaced on the display by a recording time change button 151 (e.g. changed to active) and the playback button 144 is shown to be inactive. Conversely, as shown at Fig. 14 and pp. 37-38 of the specification, when the reproduction interface is displayed, the recording button 142 is shown as inactive and the playback button 144 is indicated as active.

Aoki, in contrast, as characterized in the Final Office Action and the Advisory Action, describes that the “PLAY” and “REC” indicators are illuminated after a user initiates a procedure corresponding to the appropriate indicator, and do not reflect an ability for a button to accept a user input, whatsoever. As described at col. 9, ll. 1-12, for example, the display of the camera is responsive the physical actuation of switches 17-19, which are capable of actuation by a user regardless of a current mode of operation of the camera. More particularly, when a user actuates a switch 19 resulting in the display indicating that “REC” function is initiated, nothing prevents a user from actuating the switch to change to a recording function. In the claimed invention, however, when the first recording interface is displayed, a user is unable to select a playback button, because the ***button does not accept a user input***.

The Advisory Action further asserts that Aoki “discloses that when the selector switch 19 is depressed, a recording or playback display function based on the record or playback

mode is effected...[and] when the release button 20 is depressed halfway, playback of recorded information begins..." Therefore, the Advisory Action concedes that the external buttons of Aoki are the components that control the function of the camera, and the resultant display at the interface. At no point does Aoki describe that the buttons ***do not accept a user input***. Instead, the buttons are free to be actuated by a user to change the mode of operation of the camera regardless of the current operational status, and the status of the "REC" and "PLAY" icons on the camera display.

Further, Fig. 11 of Small, the secondary reference, describes that a record button 184 and playback button 186 are displayed in the same manner regardless of whether a recorded sound is being recorded or played back. At no point does Small teach or suggest displaying a button in a status ***in which a button does not accept a user input***, as recited in amended independent Claim 1.

Therefore, Small and Aoki, neither alone, nor in combination, teach or suggest the user interface recited in the pending independent claims, wherein "said first user interface displays said recording button in a first status ***in which a button accepts a user input*** and said playback button in a second status ***in which a button does not accept a user input*** and said second user interface displays said recording button in the second status and said playback button in the first status," as recited in amended independent Claim 1.

Further, as noted above, Aoki is directed to an LCD display that indicates the operation mode of a camera. Small, on the other hand, is directed to a user input button, which allows a user to control record and playback operations on a computer system. Therefore, one of ordinary skill in the art would not have been motivated to combine the computer interface of Small with the LCD display of a camera, as disclosed in Aoki, because one is directed to the mere display of the operational status of a camera via an LCD, while the other is directed to providing a user interface on a computing system.

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Reply to Office Action of April 8, 2008

Accordingly, at least for the reasons discussed above, Applicants respectfully request that the rejection of Claims 1-7 and 25 under 35 U.S.C. § 103 be withdrawn.

Respectfully submitted,

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